

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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HUSAM ELDEEN SAMER ELALAMI,

Plaintiff,

v.

FBI,

Defendant.

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Civil Action No.  
24-12728-NMG

ORDER TO SHOW CAUSE

GORTON, J.


On October 23, 2024, Husam Eldeen Samer Elalami ("Samer Elalami" or "plaintiff") filed a pro se complaint against the Federal Bureau of Investigation ("FBI") alleging that in October 2023 he "was rear ended and [his] car got totaled by an FBI agent." See Complaint (Docket No. 1) at 4. Plaintiff did not pay the filing fee nor sought leave to proceed in forma pauperis. See Docket.

This case appears to be duplicative of a case which was filed in Taunton District Court as a small claims statement on October 10, 2024. See Elalami v United States, C.A. No. 24-12871-IT (D. Mass.), Notice of Removal (Docket No. 1, Ex. A). In that action, plaintiff seeks \$2,000 in damages from Anthony Stepp arising from a motor vehicle collision that occurred on October 5, 2023. Id.

The Court's records indicate that on November 18, 2024, the United States removed the small claims action pursuant to 28 U.S.C. § 1442(a)(1), which allows a federal officer or agency that is a party to certain state court actions to remove said action to a federal district court. Notice of Removal (Docket No. 1 at 1). In the Notice of Removal, the United States represents that Anthony Stepp is a federal officer of the FBI. Id. (Docket No. 1 at ¶ 5). The United States subsequently moved to substitute itself as the sole defendant, certifying that Steep was acting within the scope of his employment at the time of the accident, and the Court allowed the motion. (Docket No. 5 at ¶ 4, Docket No. 6).

Where the two actions appear to concern the same event and parties, and where plaintiff has not paid the filing fee in this action, plaintiff shall show cause no later than March 7, 2025, as to any reason why the Court should not dismiss this action without prejudice in favor of the earlier filed action that has now been removed to the District of Massachusetts. Absent a response on or before March 7, 2025, the Court anticipates dismissing this action without prejudice.

So ordered.

  
Nathaniel M. Gorton  
United States District Judge

Dated: 02/25/2025